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IRISH FREE STATE.

HEADS OF WORKING ARRANGEMENTS FOR IMPLEMENTING THE TREATY.

Presented to Parliament by Command of His Majesty.
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IRISH FREE STATE.

HEADS OF WORKING ARRANGEMENTS FOR IMPLEMENTING THE TREATY.

PROVISIONAL GOVERNMENT OF IRELAND.

Heads of Working Arrangements for implementing the Treaty as settled (subject to reservations in Notes) between the British and the Irish Ministers at a Meeting held at the Colonial Office on January 24, 1922.

[NOTE.—The arrangements embodied in this paper have been re-drafted in conformity with the conception that the establishment of the Irish Free State is to supervene immediately upon the Temporary Provisional Government and that there is to be no intervening stage of a regularised Provisional Government and Parliament as previously contemplated.]

(1)

THAT the Lord Lieutenant be instructed to act on the advice of the Irish Ministers in respect of questions relating to the dissolution of the Parliament of Southern Ireland, and of all other non-departmental questions, and in respect of each department from the date of its formal transfer to the control of an Irish Minister.

(2)

(a) That any question of doubt as to motive, *i.e.*, political or non-political, in the application of the amnesty already granted, be determined by Mr. Duggan and Sir John Anderson.

(b) That the case of post-truce offences committed in Northern Ireland be discussed between the Irish Ministers and Sir James Craig.

(c) As regards offences committed from Irish political motives outside Ireland, that the British Government obtain particulars from the departments concerned with a view to consideration of the question of release. The Irish Ministers desire to emphasise the importance from their point of view of obtaining the early release of these men.

(3)

That the principle should be admitted that fair compensation is to be paid in respect of injuries which are the subject of compensation under the enactments relating to criminal injuries, including losses sustained through the destruction of property by order of the military authorities under martial law.

(4)

That as respects personal injuries—

- (a) Each Government should deal with and should be responsible for the payment of compensation in respect of personal injuries to its own supporters.
- (b) Awards already given should stand.
- (c) The provisions as to liability under (a) should be retrospective to apply to awards already satisfied.

(5)

That as respects injuries to property—

- (a) A Commission should be established consisting of one member appointed by the British Government and one appointed by the Irish Government, with a Chairman who holds or has held high judicial office to be chosen by agreement.
- (b) The Commission should have power to hear and determine all claims in respect of such injuries as aforesaid arising out of the conflict terminated by the late Treaty during the period from the 1st January, 1919, to the 14th January, 1922, and to review awards already given in undefended cases.
- (c) The Commission should have power to appoint agents, investigators and assessors, and have power to compel the attendance of witnesses and to take evidence on oath.
- (d) The Irish Government should agree to assume responsibility for seeing that all awards of the Commission and (subject to such review as aforesaid) the awards of other tribunals in respect of such injuries are duly satisfied.
- (e) The British Government undertake to reimburse the Irish Government for such a proportion of the total amount (including advances already made out of intercepted grants) as may be agreed between the two Governments the amount of the damage done to property in Great Britain in pursuance of the late Irish political movement being brought into account.
- (f) The expenses of the Commission to be borne by the Irish Government and the British Government in proportion to their respective liabilities for sums awarded by the Commission.

(6)

That the Terms of Reference to the Commission be drafted by the Legal Advisers and submitted for consideration.

(7)

That all proceedings (including pending proceedings and proceedings for the enforcement of decrees already given) under the enactments

relating to compensation for criminal injuries be barred, and that a resolution in this sense be passed and promulgated by the Provisional Government, to be followed by legislation in the British Parliament.

(8)

That the Irish Government undertake to protect from molestation or victimisation by all means at their disposal the persons, property and interests of all those who are thought to have sided or sympathised with the forces of the Crown.

(9)

That when the question of the further extension of the Amnesty has been settled, simultaneous announcements should be made by both Governments, and that minor questions of detail arising out of the foregoing should be settled in further conference.

(10)

That all properties used for the purpose of ordinary civil government, such as departmental offices, &c., together with furniture, equipment and all other departmental assets, including the special funds wholly applicable to departmental purposes in Southern Ireland, should be regarded as Irish property, and handed over to the Irish Government in due course.

(11)

That without prejudice to any claims which may be made in the general financial adjustment under Article 5 of the Treaty the liabilities of each department be assumed by the Irish Government together with the assets.

(12)

That the Chief Secretary's Lodge and other official residences be handed over to the Irish Government as soon as they cease to be required by officers of the British Government.

(13)

That for the present no changes shall be made as regards institutions such as the Royal Hospital and the Royal Hibernian Military School, the lands and quit rents which constitute part of the hereditary revenues of the Crown, and museums, picture galleries and other public collections in Dublin.

(14)

That the question of museums, picture galleries and other public collections in Dublin should be discussed by Irish Ministers with Sir James Craig.

(15)

That the Record Office and public records be placed in the control and custody of a judicial authority occupying a position analogous to that of the Master of the Rolls.

(16)

That the right of access of accredited representatives of the British Government or of the Government of Northern Ireland to records not open to public inspection should be fully secured.

(17)

That the availability of the records for other than strictly departmental purposes should be governed by the same rules and subject to the same limitations as are observed in the case of public records in Great Britain and in the Dominions where practical uniformity is in force.

(18)

That Barracks and Establishments constructed for police administration in normal times be included in the transfer to the Irish Government.

(19)

That as regards Military Establishments and Police Establishments not covered by (18), the proportion of the actual buildings or their value, which should be recognised as the property of the Irish Government, will be arranged in the ultimate settlement between the British Government and the Government of Ireland.

(20)

That in the meantime, as the buildings become available, the question of their temporary use by the Irish Government will be a matter for arrangement between the two Governments.

(21)

That any surplus movables in Military Establishments and Police Transport and other equipment in excess of normal requirements should be sold through the agency of the Disposal Board, except so far as the Irish Government may seek to acquire them at a valuation.

Note.—No further movables in Military Establishments to be declared surplus until the needs of the Irish Government have been ascertained.

(22)

That the proportion of any movables, transport equipment, &c., which should be recognised as the property of the Irish Government shall be settled in the manner indicated in (19) above.

(23)

That the Irish Government undertake the safe custody of any properties evacuated by the military and police until duly disposed of.

(24)

That the Royal Irish Constabulary be demobilised as soon as possible. That the Dublin Metropolitan Police Force be transferred to the Temporary Provisional Government.

(25)

That the transfer of individual resident magistrates should depend on the wishes of the Irish Government and of the individuals concerned.

(26)*

That the Provisional Government be regarded under the terms of the Treaty as entitled to assume control of the services in Ireland of the Revenue Departments reserved under the Act of 1920 and also the Post Office.

(27)*

That the existing Departments in control of these services shall, if required, continue to function in Ireland as the agents of the Irish Government until that Government is prepared to assume direct control.

(28)*

That during the period of agency the Postal Revenue collected in Southern Ireland be paid into the Irish Exchequer and the expenditure recovered from Irish funds.

(29)*

That the existing stamps be over-printed for use in Southern Ireland so as to enable the revenue to be kept separate. That the postal rates and charges in force for the time being in Great Britain should apply to Southern Ireland during the provisional period.

(30)

That provision be made for division of the assets and liabilities of the Post Office Savings Bank and for giving some option to the depositors who opened their accounts in Irish Offices to remain with the British Savings Bank or be transferred to the Irish Bank.

* These clauses, contained in former drafts, are not required if the regularised Provisional Government stage is omitted.

(31)

That pending legislation by the Parliament of the Irish Free State taxes collected by the Board of Customs and Excise and the Board of Inland Revenue be assessed and collected on the same principles and at the same rates as in the United Kingdom.

(32)*

That the proceeds of such taxes, wherever collected, so far as they are attributable to Southern Ireland be paid into the Exchequer of the Provisional Government.

Note.—Reserved for discussion with the Chancellor of the Exchequer.

(33)

That the British Ministry of Pensions shall continue to discharge its functions in the payment of pensions and the provision of medical care to men resident in Ireland.

(34)

That arrangements be made between the British and Irish Governments for the continuance of the special assistance at present afforded to ex-Service men in connection with industrial training, the obtaining of employment, Land Settlement, and Housing by the Ministry of Labour, the Department of Agriculture and Technical Industry, the Estates Commissioners and the Local Government Board.

(35)

That the collection of quit-rents, by or on behalf of the Office of Woods and Forests, should continue pending the establishment of the Irish Free State.

(36)

That the services of the Joint Exchequer Board and of the Civil Service Committee be utilised as a part of the machinery required for the establishment and preliminary operations of the Irish Government.

Note.—Reserved for discussion between Mr. Collins and Sir James Craig.

(37)

That, during the provisional period, the position of existing judge of the Supreme Court as regards salaries, pensions, and tenure remain unaltered, but that vacancies in any judicial posts be filled in accordance with the advice of the Irish Ministers.

* These clauses, contained in former drafts, are not required if the regularised Provisional Government stage is omitted.

(38)

That the staff of the Supreme Court, so far as payment of salaries and general financial control are concerned, be transferred to the Irish Government, subject to the provisions as to compensation contained in The Government of Ireland Act, 1920.

(39)

That the County Courts and other subordinate Courts occupy in relation to the Irish Government the same position as they now occupy in relation to the British Government, existing County Court judges and other persons having the like tenure of office being treated so far as regards personal rights in the same way as existing judges of the Supreme Court.

(40)

That for the period up to the 31st March, 1922—

- (a) The existing Votes, so far as they are applicable to Southern Ireland, be placed at the disposal of the Temporary Provisional Government for the purposes for which they have been voted, and
- (b) Any additional sum agreed will be covered by a Special Vote, to be presented to Parliament as soon as possible, such sum being adjusted in the final settlement.*

(41)

After the 31st March, 1922, and until the establishment of the Free State, Government Revenue to be collected by the British Authorities, and Parliament to be asked to take a General Vote on account of Irish Expenditure to cover a period of, say, three months. After the establishment of the Free State, the Free State to repay the amount of this Vote and to receive Irish Revenues as from the 1st April, 1922.

(42)

That, pending a definite arrangement for capitalisation, the Irish Government be responsible for the recovery of payments due in respect of local loans and the collection of Land Purchase Annuities, and for paying over the proceeds to the British Exchequer, together with an amount equal to certain expenditure still borne on the British Votes or charged on the Consolidated Fund of the United Kingdom (*e.g.*, pensions of Civil Servants, payments for any agency services and salaries of judges).

* The Chancellor of the Exchequer agrees to the recoupment of so much of the intercepted grants as have already been applied, on the understanding that the amount so recouped, so far as it represents compensation for payments for injuries to property, is regarded as forming part of the British Government's payment for compensation under paragraph 5 (e).

(43)

That payments on account of the Irish share of the debt stand over till the amount has been settled in accordance with Article 5 of the Treaty, such payments to be made retrospectively when the share of the debt attributable to the Irish Free State has been so settled.

(44)*

That a representative legislature is an organ essential to the Provisional Government as contemplated by Article 17 of the Treaty.

(45)*

That an agreement be entered into between the Temporary Provisional Government and the British Government for giving effect to Article 17 of the Treaty to be scheduled to a Bill, such Bill to be submitted to Parliament for approval at the earliest possible moment.

(46)

The Irish Ministers agree to take steps to rescind the British boycott.

(47)

Mr. Collins desired that the further consideration of the question of Land Purchase should be reserved.

(48)

Mr. Duggan reported that he was in consultation with the Home Office on the question of Alien Immigration.

(49)

That any other matters not dealt with in the above Clauses which may come up for discussion, will be discussed and settled in the same manner as the matters already reviewed.

* These clauses, contained in former drafts, are not required if the regularised Provisional Government stage is omitted.